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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/452,198	12/02/1999	PHILLIP D. MOONEY	MOONEY-40-23	9991

7590 02/02/2005

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EXAMINER

GRANT II, JEROME

ART UNIT

PAPER NUMBER

2626

DATE MAILED: 02/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/452,198

Applicant(s)

MOONEY ET AL.

Examiner

Jerome Grant II

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Detailed Action

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5-9, 11-16 and 18-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Baran.

With respect to claim 1, Baran teaches an apparatus for sending an image to a desired destination, comprising:

an optical character recognizer (24) adapted to recognize and textually convert destination information scanned from a predetermined location, (see col. 12, lines 10-15) the optical character recognizing means reads textually converted header information which corresponds with the sender. *Baran teaches a shared machine reading system 24 which operates under received signals, senses the markings on a selector sheet electronically from a bit map of the selector sheet, and interprets the user markings on the selector sheet page ( see col. 6, lines 49-55. Baran teaches that according to the CCITT T.30 standard that sender information is written as text data to be read on the sheet. The calling party's information, by the CIG signal, is the calling fax machine (sender) and this information is encoded on the sheet as the CIS, see Table III. The owner or advertiser, whose information is also included on a sheet, is stored so that it may be optically read. See also col. 8, lines 15-20. Baran teaches a modem (22a-22c)*

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according to col. 6, line 12 adapted to automatically transmit said image based on said textually converted destination information. Baran teaches two headers. *The default header is the sender header information and the recipient information is that provided in the appropriate spaces on the sheet according to figures 2a-2c.*

With respect to claim 2, see col. 6, lines 50-60.

With respect to claim 5, Baran teaches a scanning an image of embedded characters (via OCR 24 or scanner 32) where the characters are in a document for transmission; converting ( via OCR 3 characters into text data (see figures 2a ad 2b)). Baran teaches sending the document to a unique destination identified by text data (high applicant refers to as header information), see col. 6, lines 50-60.

With respect to claim 6, see display means 162 of figure 8.

With respect to claims 7 and 14, see figure 10 which shows sending and confirmation of signals before data is actually transmitted.

With respect to claims 8 and 15, Baran teaches recognizing the embedded characters using an optical character recognizer 24.

With respect to claims 9 and 16, Baran teaches said embedded characters corresponds to a fax telephone number (58), see figure 2b.

With respect to claims 11 and 18, see figures 2a and 2b of Baran.

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With respect to claim 12, Baran teaches sending information to a destination means, comprising: means 24 for scanning (via 32 or 24) an image of embedded characters in document transmission; means 24 for converting said scanned image of embedded characters into textual data; and (modem 2a-22c) as the means for automatically sending said document to a unique destination identified by the text data (which applicant identifies as header information).

With respect to claim 13, Baran teaches display means 162 for displaying text data.

With respect to claim 19, Baran teaches scanning sender information (via scanner 32) from a predetermined portion of a scanned page of a document (top); and including said scanned sender information in a header portion of an outgoing facsimile (see figures 2a and 2g).

With respect to claim 20, Baran teaches said scanned page is a first page of said document. This is inherent in that the coversheet is the first page scanned to designate the fax machine that the entire document is sent to before the entire document is scanned and faxed. See col. 11, line 65 to col. 12, line 15. See also col. 13, lines 1-20.

With respect to claim 21, see figures 2a - 2g.

With respect to claim 22, Baran teaches scanned sender information replaces default sender information. This limitation is inherent with respect to figures 2a-2g. Sender information is placed in the predetermined spaces provided.

With respect to claim 23, Baran teaches means (scanner 32 or OCR 24) for scanning sender information from a predetermined portion of a scanned page of a document; and means (24) including said scanned sensor information (see figures 2a-2b) in a header portion of an outgoing facsimile.

**2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baran in view of Nakamura.

Baran teaches all of the subject matter upon which the claim depends except for the scanner including a white board.

Nakamura clearly shows using a white board for a scanner, (see col. 5, lines 30-35).

It would have been obvious to one of ordinary skill in the art to modify scanner 32 of Baran so that it uses a white board on the platen for calibrating the charge coupled device

prior to performing a scanning operation as taught by Nakamura (see col. 5, lines 30-35).

**3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baran in view of Nakamura as applied to claim 3 above, and further in view of Eguchi.**

Baran and Nakamura teaches all of the subject matter upon which the claim depends, except for a wireless link between the scanner and the fax modem.

Eguchi teaches a wireless link between a scanner 2 of a first device and a fax modem 10 of a second device using the same circuitry as shown by figure 1.

Although Baran and Nakamura have not addressed the wireless communication feature, such a limitation would have been made obvious in view of the teachings of Eguchi. Hence, it would have been obvious to one of ordinary skill in the art to modify modem 36 of Baran or modify the communication means 64 of Nakamura by attaching a wireless modem instead of a wired modem so that a scanner has a wireless hookup to the fax mode, as suggested by Eguchi.

**4. Claims 10 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baran in view of Eguchi.**

Baran teaches all of the subject matter except for embedded data is E-mail information. Eguchi teaches character data embedded in a document corresponding to an E-mail address. See figure 2 of Eguchi.

Since, Baran and Eguchi are both directed to the art of image scanning and transmission, the purpose of embedding characters in a document for use in an E-mail would have been recognized by Baran as suggested by Eguchi.

It would have been obvious to one of ordinary skill in the art to modify communication means 64 of Baran so that it not only reads fax or telephone numbers but also embedded characters and generate E-mail messages from the embedded characters, as suggested by Eguchi.



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5.

**Examiner's Remarks**

At page 9, applicant contends that Baran does not teach textually converted data placed in a header. Applicant's contention is strongly traversed in view of figures 2a-2c and col. 6, lines 49-55 and col. 8, lines 15-20. The header is the information that is read by reader 24 and is placed in the boxes in the form sheet shown by figures 2a-2c. This is clearly provided by Baran. The term header is not read as narrowly as applicant would desire, but rather it is given its ordinary and customary meaning in the art of document processing.

**6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 305-4391. The examiner can normally be reached on Mon.-Fri. from 9:00 to 5:00.**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams, can be reached on (703) 305-4863. The fax phone number for the organization where this application or proceeding is assigned is 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 305-3900.

J. Grant II

